

Article - Education

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§5–223.

(a) (1) In this section the following words have the meanings indicated.

(2) “Community school” means a community school under Title 9.9 of this article.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, “concentration of poverty level” means the average percentage of eligible students of the school’s enrollment for the 3 prior school years rounded to the nearest whole percent.

(ii) If the 3 prior school years includes the 2020–2021 school year, “concentration of poverty level” means:

1. The sum of the percentage of eligible students of the school’s enrollment for the 4 prior school years minus the 2020–2021 school year percentage of eligible students; divided by

2. Three; and

3. Rounded to the nearest whole percent.

(4) (i) “Eligible school” means:

1. For the personnel grant, a public school, including a public charter school, with a concentration of poverty level of:

A. For fiscal year 2020, at least 80%;

B. For fiscal year 2021, at least 75%;

C. For fiscal year 2022, at least 70%;

D. For fiscal year 2023, at least 65%;

E. For fiscal year 2024, at least 60%; and

F. For fiscal year 2025, and each fiscal year thereafter, at least 55%; and

2. For the per pupil grant, a public school, including a public charter school, with a concentration of poverty level of:

- A. For fiscal year 2022, at least 80%;
- B. For fiscal year 2023, at least 75%;
- C. For fiscal year 2024, at least 70%;
- D. For fiscal year 2025, at least 65%;
- E. For fiscal year 2026, at least 60%; and
- F. For fiscal year 2027, and each fiscal year thereafter, at least 55%.

(ii) “Eligible school” includes an alternative option program in the local school system if the students in the program are not included in the count of eligible students for another program or school to determine eligibility for the concentration of poverty grant.

(iii) “Eligible school” does not include a school that is eligible to receive funding under this section but has closed.

(5) “Eligible student” means the compensatory education enrollment as defined in § 5–222 of this subtitle in the second prior fiscal year rounded to the nearest whole number.

(6) “Locally funded county” means a county board that receives a compensatory education State share under § 5–221(c)(2) of this subtitle.

(7) “Needs assessment” means the assessment completed under § 9.5–104 of this article.

(8) “Per pupil grant amount” means, for all eligible schools in the county, the per pupil amount for each eligible school calculated under subsection (d) of this section multiplied by the number of eligible students in the school.

(9) “Per pupil maximum amount” means:

- (i) For fiscal year 2022, \$3,374.48; and

(ii) For each subsequent fiscal year, the prior fiscal year amount increased by the inflation adjustment.

(10) “Program” means the Concentration of Poverty School Grant Program established under this section.

(11) “Sliding scale adjustment factor” means:

(i) For fiscal year 2022, \$7,422.33; and

(ii) For each subsequent fiscal year, the prior fiscal year amount increased by the inflation adjustment.

(12) “Sliding scale upper limit” means:

(i) For fiscal year 2022, \$13,495.15; and

(ii) For each subsequent fiscal year, the prior fiscal year amount increased by the inflation adjustment.

(13) “State funded county” means a county that is not a locally funded county.

(14) “Wraparound services” includes the wraparound services defined under § 9.9–101 of this article.

(b) (1) There is a Concentration of Poverty School Grant Program in the State.

(2) The purpose of the Program is to provide grants to eligible schools with a high concentration of eligible students.

(3) The Program consists of the:

(i) Personnel grant; and

(ii) Per pupil grant.

(c) (1) (i) 1. For fiscal year 2022, the State shall distribute a personnel grant to each county board equal to \$248,833 for each eligible school in the county.

2. In each subsequent fiscal year, the personnel grant equals the personnel grant in the prior fiscal year increased by the inflation adjustment.

(ii) Except as provided in subparagraph (iii) of this paragraph, each county board shall distribute directly to each eligible school the amount provided under paragraph (1)(i) of this subsection.

(iii) 1. Except as provided in subsubparagraph 2 of this subparagraph, if a local school system has at least 40 eligible schools, the county board may, on behalf of eligible schools, expend no more than 50% of the funds distributed by the State under this paragraph, provided that a plan is developed in consultation with the eligible schools that ensures that the requirements of paragraphs (2) through (8) of this subsection are met and the plan is submitted to the Accountability and Implementation Board in accordance with § 5-402 of this title.

2. Subsubparagraph 1 of this subparagraph does not apply to a public charter school unless the public charter school chooses to participate in the plan.

(2) (i) Each eligible school shall employ one community school coordinator staff position in the eligible school.

(ii) 1. Each eligible school shall provide full-time coverage by at least one professional health care practitioner during school hours, including any extended learning time, who is a licensed physician, a licensed physician's assistant, or a licensed registered nurse, practicing within the scope of the health care practitioner's license.

2. A health care practitioner providing coverage under this subparagraph may work under a school health services program, a county health department, or a school-based health center.

3. This subparagraph may not be construed to:

A. Require that an eligible school hire a full-time health care practitioner staff position; or

B. Preclude the hiring of any other health care practitioners that meet the needs of the students.

(3) Each eligible school shall use the personnel grant to fund the requirements under paragraph (2) of this subsection.

(4) If the personnel grant provided to an eligible school exceeds the cost to employ the positions and provide the coverage required under paragraph (2) of this subsection, the eligible school may only use the excess funds to:

(i) Provide wraparound services to the students enrolled in the eligible school;

(ii) Complete the needs assessment; and

(iii) In fiscal years 2021 and 2022, provide the requirements under COMAR 13A.04.16.01.

(5) (i) If an eligible school, prior to receiving a personnel grant, employs an individual in a position or has the coverage required under paragraph (2) of this subsection, at least the same amount of funds shall be provided to the eligible school to be used for those positions or coverage after receiving a personnel grant.

(ii) If an eligible school satisfies subparagraph (i) of this paragraph, then the school shall use the personnel grant in accordance with paragraph (4) of this subsection.

(6) The community school coordinator shall be subject to the requirements under § 9.9–104 of this article.

(7) A county that provides a school nurse, school health services, or community school services from funds outside of those made in the fiscal year 2019 local appropriation to the county board shall continue to provide at least the same resources to an eligible school through fiscal year 2030.

(8) If an eligible school becomes ineligible, the school shall remain entitled to the personnel grant for two school years after the school loses eligibility but may not receive the per pupil grant.

(9) The personnel and per pupil grant may be used through fiscal year 2025 to provide the programs required under COMAR 13A.04.16.01.

(d) (1) (i) 1. Eligible schools with a concentration of poverty level of at least 80% shall receive a per pupil grant beginning in fiscal year 2022.

2. All other eligible schools shall receive the per pupil grant 1 year after becoming eligible and on completion of the needs assessment required under § 9.9–104 of this article.

(ii) Except as provided in paragraph (3) of this subsection, each eligible school shall receive a per pupil grant each fiscal year equal to the product of the total number of eligible students in the school and the per pupil amount based on the sliding scale under paragraph (2) of this subsection.

(2) (i) The sliding scale per pupil amount shall be calculated as provided in this paragraph.

(ii) For schools with a concentration of poverty level less than or equal to 55%, the per pupil amount is \$0.

(iii) For schools with a concentration of poverty level greater than 55% but less than 80%, the per pupil amount is equal to the product of the concentration of poverty level and the sliding scale upper limit minus the sliding scale adjustment factor.

(iv) For schools with a concentration of poverty level equal to or greater than 80% the per pupil amount is the maximum per pupil amount.

(3) Except as provided in paragraph (4) of this subsection, each eligible school shall receive the following proportion of the per pupil grant calculated under paragraph (2) of this subsection rounded to the nearest whole dollar:

(i) For the 1st year of eligibility, 16%;

(ii) For the 2nd year of eligibility, 32%;

(iii) For the 3rd year of eligibility, 37%;

(iv) For the 4th year of eligibility, 55%;

(v) For the 5th year of eligibility, 66%;

(vi) For the 6th year of eligibility, 75%; and

(vii) For the 7th year of eligibility and each year of eligibility thereafter, 100%.

(4) Beginning in fiscal year 2030, each eligible school shall receive 100% of the per pupil grant calculated under paragraph (2) of this subsection rounded to the nearest whole dollar.

(e) (1) For a locally funded county each fiscal year, the State shall distribute the State share of the per pupil grant amount to each county board.

(2) For a State funded county:

(i) The State shall distribute 100% of the per pupil grant amount to each county board; and

(ii) There is no local share of the per pupil grant amount.

(3) Each fiscal year, the county board shall distribute to each school the minimum school funding amount for the per pupil grant amount calculated under § 5–234 of this subtitle.

(f) (1) Each eligible school shall use the per pupil grant to provide wraparound services and other programs and services identified in the eligible school's needs assessment plan.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if a local school system has at least 40 eligible schools, the county board may, on behalf of the eligible schools, expend no more than 50% of the funds distributed for the per pupil grant, provided that a plan is developed in consultation with the eligible schools that ensures that the requirements of paragraph (1) of this subsection are met and the plan is submitted to the Accountability and Implementation Board under § 5–402 of this article.

(ii) Subparagraph (i) of this paragraph does not apply to a public charter school unless the public charter school chooses to participate in the plan.

(3) A local school system may request flexibility in distributing funds through the Accountability and Implementation Board appeal process under § 5–406 of this title.

(g) (1) On or before November 1, 2021, the Department shall submit an interim report to the General Assembly, in accordance with § 2–1257 of the State Government Article, and the Accountability and Implementation Board on:

(i) The progress on analyzing neighborhood indicators of poverty under paragraph (2) of this subsection;

(ii) The fiscal year for which Medicaid data can be incorporated into the direct certification of students eligible for the compensatory education program under § 5–222 of this subtitle and under this section; and

(iii) The plan for developing and using the State alternative income eligibility form to determine eligibility for the compensatory education program under § 5–222 of this subtitle.

(2) (i) On or before October 1, 2022, the Department shall submit a report to the Accountability and Implementation Board on incorporating neighborhood indicators of poverty to determine a school’s eligibility for the compensatory education program and the concentration of poverty grant based on the study required under this subsection.

(ii) The study shall evaluate:

1. The American Community Survey data available across geographic areas in the Small Area Income and Poverty Estimates Program to provide school district poverty estimates; and

2. The Area Deprivation Index developed by the University of Wisconsin – Madison to rank neighborhoods by socioeconomic status disadvantage.

(h) On or before October 1, 2021, and each October 1 thereafter, the Department shall submit to the Department of Budget and Management and the Department of Legislative Services the percentage and number of students at each school eligible for free or reduced price meals in the prior school year and each public school’s eligibility for a grant under this program in the upcoming fiscal year.

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